

REMARKS

This application has been reviewed in light of the Office Action dated July 21, 2010. Claims 34-47, 49-55, 57, 58 and 60-66 are presented for examination, of which Claims 34, 46, 47, 49, 54, 55, 57, 58, 60 and 64-66 are in independent form. Claim 47 and 66 have been amended to eliminate an issue under 35 U.S.C. § 101.¹ Program Claims 48, 56 and 59 have been canceled without prejudice or disclaimer of subject matter, and will not be mentioned further. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claims 47 and 66 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended the claims to eliminate these issues. It is believed that the above-mentioned rejection of the claims has been obviated and their withdrawal is, therefore, respectfully requested.

Claims 49, 50, 52-55, 57, 58, 60 and 62-66 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,215,523 (Anderson et al.) in view of U.S. Patent 6,441,854 (Fellegara et al.), U.S. Patent Application Publication 2002/0032677 (Morgenthaler), U.S. Patent 6,680,749 (Anderson et al.) and U.S. Patent 6,549,304 (Dow et al.), Claim 51, as being obvious from those five documents in view of U.S. Patent 6,657,702 (Chui et al.), Claims 34-40, 44-47 and 61, as being obvious from *Anderson '749* in view of *Dow, Anderson '523, Fellegara and Morgenthaler*, Claim 41, as being obvious from those five documents in view of U.S. Patent 5,752,053 (Takakura et al.), and Claims 42 and 43, as being obvious from those five documents in view of *Chui*.

¹ As discussed with the Examiner on September 20, 2010, Applicant intends to file a Notice of Appeal and has therefore amended the claims only to eliminate potential issues for appeal.

Applicant submits that the independent claims, together with their dependent claims, are patentable over the cited prior art for at least the reasons given in the Amendment of April 23, 2010, which are incorporated herein by reference.

This Amendment After Final Action is believed clearly to place this application in better condition for appeal and its entry is therefore believed proper under 37 C.F.R. § 1.116. In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner not enter this Amendment, he is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues as may be resolvable prior to appeal.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P Diana/
Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3801
Facsimile: (212) 218-2200